



IRRIGATION
NEW ZEALAND

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IrrigationNZ submission on the Water Services Entities Amendment Bill

30th June 2023

Address to:
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Please find below the Irrigation New Zealand (IrrigationNZ) submission to the Governance and Administration Committee on the Water Services Entities Amendment Bill.

About IrrigationNZ

Irrigation New Zealand represents over 3,800 members nationally, including irrigation schemes, individual irrigators producing food, fibre and beverages, and the irrigation service sector across all regions of New Zealand.

Our irrigator members include a wide range of farmers and growers – meat, dairy and cropping farmers, horticulturalists, and winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industry members – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services for both freshwater and effluent irrigation. Many of these companies also offer rural drinking water treatment, storage and distribution solutions.

We are a voluntary-membership, not-for-profit organisation whose mission is to create an environment for the responsible use of freshwater primarily as irrigation for food and fibre production for local and international consumers but also to sustain the wellbeing of communities through responsible use of the freshwater resource for a variety of other applications, including drinking water.

As an organisation we actively take a technical leadership role in promoting best practice irrigation and carry out a range of training and education activities associated with general freshwater management. Over the last five years, we have provided informal training and formal qualifications to hundreds of people on various aspects of irrigation best practices to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture and surface water management).

IrrigationNZ members share the same goals as many other New Zealanders:

- Reduce their environmental footprints and see improvements in the health of the natural environment,
- Contribute to the wellbeing of their communities, and
- Provide for a resilient future for New Zealand in the face of climate change.

Based on our extensive experience in the water industry, encompassing various aspects of freshwater management for urban and rural use, as well as its related infrastructure, we

strongly agree with the assertions made in the Bill concerning the need for increased investment to enhance the resilience and reliability of urban water services.

The irrigation sector has been actively engaged in improving freshwater management for several decades. It has worked towards minimizing the impact on freshwater bodies and meeting the expectations of food consumers, who impose numerous demands on the industry. These demands are already reflected in multiple layers of government legislation, regional regulations with land and water plans, and specific water take consent conditions imposed on the primary sector. Consequently, the rural sector has made significant progress in addressing both freshwater resource management and infrastructure asset management to support food production within communities.

Irrigation NZ has been supportive of initiatives led by the Ministry for Primary Industries (MPI) that aim to enhance freshwater utilization in accordance with the Fit for Better World policies and the policies of the Ministry for the Environment (MfE) that underpin the Essential Freshwater program.

We are fully aware of the complexities of messaging arising from the involvement of several other government agencies, to varying degrees, in the development of other water-related legislation.

We recognize the risk associated with the absence of a comprehensive, coordinated national strategic management approach to New Zealand's freshwater resources and infrastructure investment. This is certainly necessary for our resilience and adaptation for the next 30 to 40 years. A lack of coordination jeopardizes the maintenance and upgrade of urban water services infrastructure to the required standards necessary for addressing the interconnected challenges posed by climate change resilience and population growth.

[IrrigationNZ points of submission](#)

IrrigationNZ recognizes the importance of enhancing the management of water services, as outlined in the Bill, which includes drinking water, stormwater, and wastewater services currently provided by territorial authorities.

However, we acknowledge instances where water storage and distribution infrastructure primarily used for irrigation serves multiple purposes, and thereby also benefits the broader community by providing a water resource for local authorities. This situation is not uncommon in rural areas. In collaboration with Taumata Arowai, we have contributed to the development of Acceptable Solutions for ensuring drinking water safety when a freshwater source is used for both irrigation and drinking water supplies.

Our primary concern is that any new water services legislation that extends into the management of freshwater resources may lead to regulatory inefficiencies and confusion.

We have submitted on this issue within the ongoing consultation on the National Environmental Standard (NES) for Drinking Water by the Ministry for the Environment (MfE). This standard creates conflicting directions, as one government entity oversteps into drinking water management, which was already effectively addressed by the Department of Internal Affairs (DIA) and Taumata Arowai.

Additionally, there are potential crossover issues with the role of the Ministry of Business, Innovation and Employment (MBIE) in establishing complex and costly safety regulations that

impact water storage dams and distribution canals, some of which are connected to drinking water supplies.

Te Waihanga was already working with Irrigation NZ undertaking initiatives on assessing water infrastructure asset management for climate change adaptation, including the role played by irrigation water storage and distribution as a critical lifeline. Concurrently, the Department of the Prime Minister and Cabinet (DPMC) is now undertaking consultation to explore improved management strategies for critical infrastructure, including irrigation water storage and distribution infrastructure, in the context of climate change adaptation.

The common thread among these potentially conflicting roles and policies of various government agencies is their influence on the management of what can be referred to as a "water body".

Specific clauses and notes in Water Services Entities Amendment Bill

The Water Services Entities Amendment Bill looks to amend the Water Services Entities Act 2022 (the Act) to reflect the Government's decisions to refocus water services reforms.

One concerning key feature of the approach is the introduction of a new mechanism called community priority statements, which gives community groups who have any interest in a water body an opportunity to make statements to their new local asset management entity about their priorities for a water body.

1. The term **water body** is used nearly twenty times in the Bill yet nowhere in the Bill or explanatory notes is there a definition of what a "water body" is in relation to water services or the new water services entities. This could through lack of definition include all instances of water across an entire hydrological catchment, above or below the point of take of a water service extraction, as a body of water being a river, lake, dam, the coastal environment or groundwater.

Clause 14 (4A) uses an undefined reference to a water body that lies in the services area of operation, which could by interpretation be anywhere in the entire catchment.

Clause 145A (a) to (d) and 145B (1) and (2) refer loosely to a water body that links to water services activities, or any other activity, for that water body directly or indirectly related in the opinion of a community group.

It is necessary to develop a clear definition of water body. This could be by reference to a specific water storage facility or source directly networked to the water service with the assumption this refers to a drinking water source. An example of which would be the Stuart Macaskill storage lakes at Te Marua Wellington as managed by Wellington Water for the storage of untreated drinking water.

The poor definition could also link a stormwater service or wastewater service to any downstream water body, such as a river, lake or groundwater. This open scope for the proposed legislation to add another context for water body management regulations is of course a concern for irrigators.

Our recommendation is that the term water body is more closely defined to limit the impact of this legislation to only water bodies that are directly relevant to provision of water services.

2. The undefined references to a water body and a **community group** are repeated in Section 207 Consumer forum and 208 Consumer engagement stocktake.

We believe this reference to a community group allows the opportunity for any organisation to claim representation of a valid interest in any water body to influence its management. There is no clarity on what constitutes a valid community group to have an interest in a water body.

Our recommendation is to ensure the designation of a community group goes beyond just identifying their physical address and covers the legitimacy and mandate of that group to make representations.

3. Overall we find this new legislative feature to be in conflict with the already poorly set out NES Drinking Water provisions for Source Water Risk Management Areas, the improved Freshwater Farm Plans regulations and the rather archaic process of a Water Conservation Order which gives the ability of any person to invoke a protection order under the RMA (and as retained in the proposed Natural and Built Environment Bill).

All of these instruments already impose obligations on land owners who may interconnect with water bodies across catchments. This therefore seems to have the unintentional inclusion of most rural water capture and storage even if primarily used for irrigation purposes.

The confusion on the definition of a water body and what constitutes a valid community group in relation to water services is an additional and unnecessary layer of legislation likely to produce confusion and legislative inefficiencies.

Irrigation NZ feels this inclusion of a new feature of the Water Services Amendment Bill indicates a lack of collaboration with and referencing of existing government initiatives, policies and legislation in drafting this new element.

The amendment has not provided justification that it is addressing known or perceived gaps in water body management.

Our recommendation is to remove this new feature and defer to other government agencies and legislation in the matter of water body management.

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